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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,912

02/22/2002

Charles D. Corey JR.

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11/10/2005

ROSSI & ASSOCIATES

P.O. Box 826

Ashburn, VA 20146-0826

EXAMINER

PEZZLO, JOHN

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,912

Applicant(s)

COREY, CHARLES D.

Examiner

John Pezzlo

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/20/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Page 5 paragraph [0013] US Patent 5,527,142 should be 5,537,142. Appropriate correction is required.

Claim Objections

Claim 7 is objected to because of the following informalities: Line 3, states "on at a single twisted pair line", the "at" needs to be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Regarding claim 1 - Applicant states "an internet appliance device" in line 6, which is coupled to the user data communication device, it is not clear if the internet appliance device is

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located at the user site or the at the central office. Line 10, "the internet appliance device of the end user unit " using a common data transmission protocol just between the data communication device and the internet appliance device or to the switching device.

2. Regarding claim 8 – The last sentence states " These speeds can be maintained at up to 3 times the distances using line-powered repeaters." There is no mention of speed in claim 1, therefore this claim is confusing and indefinite. (The examiner assumes "speeds" should be replaced with "distances".)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

II. Claims 1-6, and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerszberg et al. (US 5,970,473) hereinafter Gerszberg.

1. Regarding claims 1 and 11 – Gerszberg discloses at least one serving central office (callout 34 in Figure 1), wherein the serving central office includes a switching device (callout 32 (FMP) in Figure 1), refer to Figure 1 and column 3 lines 22 to 61.

Gerszberg discloses at least one end user unit (callout 22 in Figure 1), wherein said end user unit includes a data communication device (callout 10 in Figure 1) coupled to the switching device of the serving central office via a twisted pair line (callout 30 in Figure 1), and an internet appliance device (callout 14 in Figure 1) that is coupled to the data communication device, refer to Figure 1 and column 4 lines 5 to 45.

Gerszberg discloses multimedia data is transferred between the switching device of the serving central office and the data communication device of the end user unit, and between the data communication device of the end user unit and the internet appliance device of the end user unit using a common data transmission protocol, Gerszberg discloses that TCP/IP protocol running on DSL, refer to Figures 1 and 2 and column 4 lines 45 to 67 and column 5 lines 1 to 60.

2. Regarding claims 2 and 13 – Gerszberg discloses at least one interoffice facility (callouts 70 and 87 in Figure 4A) coupled to the serving central office via a first data transmission line, wherein the multimedia data is transferred between the interoffice facility and the serving central office over the first data transmission line using the common data transmission protocol, refer to Figure 4A and column 6 lines 60 to 67 and column 7 lines 1 to 37.

3. Regarding claims 3 and 14 – Gerszberg discloses at least one broadband service provider or internet service provider (callout 36 (NSP) in Figure 1) coupled to the interoffice facility via a second data transmission line (callouts 40 and 42 in Figure 1), wherein the multimedia data is transferred between the broadband service provider or internet service provider (callout 36 (NSP) in Figure 1) and the inter office facility (callout 32 (FMP) in Figure 1) over the second data

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transmission line (callouts 40 and 42 in Figure 1) using the common data transmission protocol, refers to Figure 1 and 4B and column 3 lines 61 to 67 and column 4 lines 1 to 5 and column 5 lines 48 to 60 and column 7 lines 50 to 67 and column 8.

4. Regarding claims 4 and 15 – Gerszberg discloses at least one of the first transmission line and the second transmission line comprises an optical fiber transmission line (callouts 86 and 94 in Figure 4A), refer to Figures 1 and 4A and column 7 lines 14 to 38.

5. Regarding claims 5 and 16 – Gerszberg discloses at least one of the first transmission line and the second transmission line comprises a copper transmission line (callout 30 in Figure 1), refer to Figure 1 and column 3 lines 22 to 30.

6. Regarding claim 6 – Gerszberg discloses at least one interoffice facility (FMP) coupled to the serving central office via a first data transmission line (twisted-pair (copper wire)) and at least one internet service provider (NSP) coupled to the interoffice facility via a second data transmission line (fiber), wherein at least one of the first data transmission line and the second data transmission line comprise an optical fiber transmission line, and wherein the multimedia data is transmitted over the optical fiber transmission line utilizing an optical data transmission protocol (SONET or FDDI) that is different from the common data transmission protocol (DSL), refer to Figures 1, 2, 4A, and 4B and column 3 lines 22 to 61 and column 4 lines 55 to 67 and column 5 lines 1 to 15 and column 5 lines 48 to 60 and column 6 lines 60 to 67 and column 7 lines 1 to 38 and column 7 lines 50 to 65.

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7. Regarding claims 9 and 17 – Gerszberg discloses the common data transmission protocol (DSL) is an asynchronous protocol, refer to Figures 1 and 2 and column 4 lines 55 to 67 and column 5 lines 1 to 15.

8. Regarding claim 10 – Gerszberg discloses the switching device comprises a BSL switching device and the data communication device comprises a BSL data communication device, refer to Figures 1 and 2 and column 4 lines 55 to 67 and column 5 lines 1 to 15.

9. Regarding claim 12 – Gerszberg discloses the end user unit includes an internet appliance device, wherein the data transfer means includes a switching device located in the serving central office and a data communication device located in the end user unit, and wherein the data communication device is coupled to the internet appliance and transfers the multimedia data between the internet appliance and the switching device using the common data transmission protocol.

10. Regarding claim 18 – Gerszberg discloses generating data using an internet appliance at an end user unit, refer to Figure 1 and column 3 lines 22 to 61.

Gerszberg discloses transferring the data from the internet appliance to a data communication device of the end user unit using a common data transmission protocol, refer to Figure 1 and column 4 lines 5 to 45.

Gerszberg discloses transferring the multimedia data from the data communication device of the end user unit to a serving central office of a public switched telephone network via a

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twisted pair line using the common data transmission protocol, refer to Figure 4A and column 6 lines 60 to 67 and column 7 lines 1 to 37.

11. Regarding claim 19 – Gerszberg discloses transferring the multimedia data from the serving central office to an inter office facility over a communication line using the common data transmission protocol, refer to Figure 4A and column 6 lines 60 to 67 and column 7 lines 1 to 37.

12. Regarding claim 20 – Gerszberg discloses transferring the multimedia data from the inter office facility over a further communication line (SONNET or FDDI) to at least one internet service provider, refers to Figure 1 and 4B and column 3 lines 61 to 67 and column 4 lines 1 to 5 and column 5 lines 48 to 60 and column 7 lines 50 to 67 and column 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (same as above).

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1. Regarding claim 7 – Gerszberg does not expressly disclose the data transmission rate between the serving central office and the end user unit is at least 10 Mbps symmetrically on a single twisted pair line.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Gerszberg with the capability to transmit at least 10 Mbps symmetrically on a single twisted pair line. The suggestion/motivation for doing so would have been that Gerszberg discloses transmitting multimedia communication, voice, data, and video over the Internet in real time through the twisted pair line (refer to column 2 lines 25 to 56), therefore providing a high bandwidth broadband connection that would support 10 Mbps symmetrically data would support the real time traffic and provide a high quality connection for the users.

2. Regarding claim 8 – Gerszberg does not expressly disclose the maximum transmission distance from the central serving office to the end user unit is at least 8500 ft. These speeds [distances] can be maintained at up to 3 times the distances using line-powered repeaters.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Gerszberg with the capability to extend the distance to 8500 ft using line-powered repeaters. The suggestion/motivation for doing so would have been that Gerszberg discloses transmitting multimedia communication, voice, data, and video over the Internet in real time through the twisted pair line (refer to column 2 lines 25 to 56), therefore providing a high bandwidth broadband connection that would support 10 Mbps symmetrically data upto 8500ft using line-powered repeaters, which have been used to support T1 systems, would support the real time traffic and provide a high quality connection for the users.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Roos (US 2002/0054629 A1) discloses an apparatus and method for provision of a back-up connection in a telecommunication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

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Hand delivered responses should be brought to:

Jefferson Building

2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

02 November 2005

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized flourish at the end.

**JOHN PEZZLO
PRIMARY EXAMINER**